

# Third Party Testing Bulletin

[www.Michigan.gov/sos](http://www.Michigan.gov/sos)

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## Missing skills test certificates

One of the designated representative's most important responsibilities is to ensure that the organization's skills test certificate inventory is properly controlled. The Third Party Testing Manual provides strict standards for the designated representative to follow:

**Skills test certificates.** Organizations shall maintain strict control of skills test certificates. The designated representative shall maintain all unissued certificates at the place of business in a secure location accessible only to the designated representative or owner.

- A designated representative shall not issue certificates to an examiner who has more than an estimated one-month supply of unused certificates. That estimate shall be based on the examiner's productivity over the most recent monthly reporting period or the designated representative's estimate of the examiner's expected productivity for the next monthly period. The estimate for the next monthly period may be based on projections taking into account the number of tests conducted by the organization during the same period in the previous year, or any other sound business reason.
- A designated representative shall not issue to an examiner more than a one-month supply of certificates, or more than one pad if the examiner's estimated productivity is fewer than 25 tests per month.
- A designated representative shall not issue certificates to an examiner who has not accounted for previously issued certificates.
- A designated representative shall contact Third Party Testing Section immediately if he or she determines one or more skills certificates are lost or cannot be accounted for.

When reporting missing certificates, the following information should be provided:

- The serial number or sequence of serial numbers of the missing certificates.
- The date the missing certificates were received from the department.
- If the certificate(s) were issued to an examiner, the name of the examiner and the date they were issued to the examiner.
- The approximate time and date it was determined the certificate(s) went missing.

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## Missing skills test certificates *Continued from Page 1*

- A written statement from the examiner and the designated representative, or person who determined the certificate(s) were missing, including the circumstances -- e.g., location of certificates, customers or other people who may have had access, etc.

A report should be e-mailed to [ThirdPartyTesting@Michigan.gov](mailto:ThirdPartyTesting@Michigan.gov) or faxed to (517) 373-0964 within one business day after the incident is discovered.

Designated representatives should also review the recordkeeping requirements for maintaining skills test certificate inventory records on Page 10, Chapter E, of the Third Party Testing Manual.

### Notice of noncompliance

A “notice of noncompliance” is a written advisement that an organization is in breach of the third party testing agreement. The notice is mailed to an organization’s designated representative and the department retains a copy in its records. The purpose of the notice is to bring the violation to the attention of the designated representative. The department expects the designated representative to take action to bring the organization into compliance and prevent future violations.

In most cases involving minor violations, the department does not sanction the organization. However, the department may sanction an organization that receives frequent notices, particularly if the same violation is repeated.

### Reminder: Submit CDL testing schedules

Organizations that conduct CDL skills testing are reminded to submit their CDL testing schedule each Friday for the upcoming week. Submission by e-mail is preferred, but fax is acceptable. Please e-mail the schedule directly to the designated analyst for your area or to [ThirdPartyTesting@Michigan.gov](mailto:ThirdPartyTesting@Michigan.gov).

The testing schedule must show tests scheduled for the upcoming week, and must include each applicant’s name and driver’s license number, telephone number, date and time of the test, type of test, and examiner name or number. If there are no tests scheduled for the upcoming week, the organization should submit a statement indicating “No Tests Scheduled.” It is not necessary to resubmit if the schedule is modified due to a new appointment or other change.

## Testing sites

Testing sites must remain free of traffic, parked vehicles, pedestrians or other hazards during basic control skills testing. The Third Party Testing Section must be notified by the designated representative of changes in any conditions that affect testing sites. These include changes in traffic patterns at the off-road testing location, construction at the site, or deterioration of pavement (or other surface) that could affect the outcome of a basic control skills test.

An organization must also ensure that testing sites are properly maintained so that the outcome of a basic control skills test is not adversely affected (for example, snow removal and salting in the winter and sweeping of debris from the testing site).

Testing sites must be used regularly. An organization that is unable or unwilling to conduct testing at a site at least one day per week must notify the Third Party Testing Section.

# Receipts

Designated representatives should review business requirements in the Third Party Testing Manual pertaining to receipts. A receipt that includes the following information must be issued to each skills test customer:

- The full, actual name of the organization.
- The organization's business address.
- The organization's primary business telephone number and the telephone number used to schedule appointments for the testing site, if different from the primary number.
- The number assigned to the site by the department.
- The number assigned to the examiner by the department.
- The customer name.
- The date of the test.
- The type of test conducted (e.g., auto, motorcycle, CDL-A, CDL-B, CDL BPS, etc.).
- Amount and type of payment (e.g., cash, check, charge card).
- Any fee for vehicle rental.

A receipt must be issued to every test applicant, even if another party, such as a facilitator or driving school, pays for the test.

## Practice prohibited on basic control skills courses

Several third party testers have contacted the department seeking guidance on their responsibility to prevent people from using their basic control skills course (BCS) for practice.

Testers are not required to take extraordinary measures to prevent use of a BCS, such as fencing or posting guards, but testers and examiners are expected to ask those people they see using their BCS to leave the testing site. Testers lease or rent the property they use and have the right to prevent people from trespassing.

Third party testing organizations are authorized to conduct skills testing under a contract with the Michigan Department of State. Under terms of that contract, they must comply with business and testing practices prescribed by the department. Methods and criteria provided to organizations and examiners in the Third Party Testing Manual include:

“Drivers may be shown what the off-road skills tests look like, but they should not be coached through the actual course, allowed to practice on the course, or be permitted to review how they will be scored.”

The purpose of the requirement is to prevent an applicant from becoming familiar with visual cues unique to the BCS used for testing. Testers and driving schools are not prohibited from setting up exact replicas of the BCS for practice.

While compliance with the third party testing contract is good cause for testers to keep people off their BCS, potential exposure to liability should be an even stronger inducement.

## Expiring proofs of compliance

The designated representative is responsible for ensuring the organization's compliance with business standards prescribed in the Third Party Testing Manual. Some standards require periodic submission of evidence of compliance, such as general business liability insurance certificates, examiner medical certifications, and examiner criminal history records. Copies must also be maintained in the organization's records.

The designated representative must submit documents showing renewed compliance prior to the expiration date shown on the documents in the department's records. The department does not mail reminders.

Designated representatives may send an e-mail to [ThirdPartyTesting@Michigan.gov](mailto:ThirdPartyTesting@Michigan.gov) to check the expiration date of a general business liability insurance certificate, examiner medical certification, or examiner criminal history record. Please identify which record you are checking and include your organization number in the e-mail's subject line.

## Obsolete CDL scoring forms

The introduction of the S (school bus) endorsement in 2004 prompted a revision of the CDL score sheet to include information on the S endorsement. At the time, examiners were instructed that they could continue using old score sheets by handwriting S endorsement information.

Effective March 1, 2009, obsolete versions of the CDL score sheet may no longer be used. The current version of the CDL score sheet is June 2006 ("Rev. 06-06" printed in lower left corner of back page). Designated representatives must check their inventory and destroy any obsolete forms.

## Questions and answers

Third party testers and examiners regularly contact the Third Party Testing Section with questions. The following questions and answers are being shared to provide guidance for all testers and examiners.

- Q.** *An applicant seeking a CDL with an "A" group designation brings to the test an air-brake equipped vehicle towing a hydraulic-brake equipped trailer. Her TIP has no air brake restriction and the vehicle combination is appropriate for the skills test. Should the applicant be given an air brake restriction?*
- A.** If an applicant passes a skills test in an air-brake equipped vehicle towing a hydraulic-brake equipped trailer, the applicant meets the air-brake requirements and no restriction is placed on the license.
- Q.** *An applicant seeking a motorcycle endorsement brings to the test a custom-built motorcycle. The motorcycle is equipped in the same manner as a production motorcycle, except that the stop lamp is lighted only by application of the rear brake lever. A hand brake lever works the front brake, but is not wired to the stop light switch. Is the vehicle properly equipped?*
- A.** Yes. There is no requirement that both brake levers must light the stop lamp.
- Q.** *A tester who is also a driver education provider would like to offer his or her vehicle for rental to testing customers. The vehicle is equipped with a dual-brake pedal and signs, and has insurance coverage as required for driver education purposes. May the vehicle also be used for skills testing?*
- A.** A vehicle equipped with a dual-brake system may be used for skills testing. The examiner may use the brake only to prevent a dangerous action by the applicant or to prevent a crash. If the examiner needs to use the brake, then the test must be terminated as an automatic failure. Driver education provider signs or generic "student driver" signs on a passenger vehicle used for testing must be removed or covered. Signs on commercial motor vehicles used for CDL skills tests do not need to be removed or covered. Designated representatives must check their insurance coverage to ensure it covers the higher liability requirements for vehicles rented for skills testing.